

TEXAS DEPARTMENT OF AGRICULTURE

TODD STAPLES
COMMISSIONER



November 30, 2009

Mr. Larry Strickling
Assistant Secretary
National Telecommunications and Information Administration
1401 Constitution Ave., NW
Washington, D.C. 20230

Dear Assistant Secretary Strickling:

Thank you for the opportunity to provide comments on the Broadband Technology Opportunities Program (BTOP) and the Broadband Initiatives Program (BIP). In the request for information (RFI) published in the Federal Register on Nov. 16, 2009, the National Telecommunications and Information Administration (NTIA) and the Rural Utility Services (RUS) solicited input on several important matters.

First, please know I appreciate the hard work in administering BTOP and BIP and understand the problems faced in fulfilling the directive of distributing American Recovery and Reinvestment Act (ARRA) funds in an expeditious manner; however, I fear the rush to disburse funds will inevitably result in errors and omissions that will culminate in inefficiency and lost opportunities to maximize this opportunity. It is extremely concerning that we are nearing the second and final round of BTOP and BIP funding but do not have a broadband access map to guide our investment needs.

In respect to the application and review process, I would like to address the relationship between BTOP and BIP by suggesting that applicants proposing service in rural and remote areas be allowed to submit proposals directly to NTIA, as well as RUS. During the application process, my office learned that the requirement to apply for loans from RUS first discouraged providers who were interested in extending service into rural areas through grant funding.

In regard to the concerns you raise to both transparency and confidentiality, as well as outreach and support, the Texas Department of Agriculture recommends NTIA and RUS utilize every opportunity to communicate more frequently and more thoroughly with the applicants about the application process. The BTOP and BIP workshops you hosted seemed beneficial for potential applicants, and I respectfully request you host workshops in Texas to brief us on the application process for the second round of BTOP and BIP funding.



During the first round of funding, the ability to provide NTIA with comments on applications affecting Texas was handicapped because vital applicant information was not made available to the states or the information provided has changed frequently. Should the federal agencies seek input from the states and the public on applications for future funding rounds, a checklist of important information should be provided – for example the proposed service area, the direct project beneficiaries and the cost per connection. Many applicants are private sector entities, and the state respects the need for confidentiality; therefore, this type of information will be beneficial in evaluating applications and their impact on our constituencies.

Finally, in response to the policy issues you raise in the RFI, the State of Texas has established a list of priorities to guide our responses to NTIA and RUS on broadband matters. These priorities outline the state's desire to utilize ARRA funding to expand broadband to rural, remote and unserved urban areas of the state, to pursue sustainable broadband projects, and to ensure geographic diversity (a copy is enclosed for your review). I encourage NTIA and RUS to consider these priorities to provide maximum benefit to states like Texas, which have extensive and diverse geographic areas, each with unique needs.

Thank you again for the opportunity to comment. I look forward to working with you in the future to increase broadband access to Texans. And, I urge you to align future rounds of funding with the development of state broadband service maps to ensure areas of the state without high-speed Internet connections benefit from BTOP and BIP.

Sincerely yours,



Todd Staples

TS/KS/ks

Enclosure

cc: The Honorable Tom Vilsack

Review and Prioritization Criteria
Applications for Grants under the Broadband Technologies Opportunities Program

On July 1, 2009, the United States Department of Agriculture, Rural Utilities Service, and the United States Department of Commerce, National Telecommunications and Information Administration (NTIA), issued a Notice of Funds Availability (NOFA) to administer the Broadband Initiatives Program (BIP) and the Broadband Technologies Opportunities Program (BTOP). In the NOFA, NTIA indicates that each state will be provided the opportunity to review and prioritize projects from that state or that affect the state and are under consideration for funding from BTOP.

According to the NOFA, eligible entities will submit applications to NTIA, and NTIA will conduct a two-step review process. NTIA will conduct an initial screen of an application to determine if it meets mandatory thresholds. In the second step, applicants will be asked to submit additional information and undergo state review and prioritization. Once the state has completed its review and provided the NTIA a list and prioritization of recommended projects, the grant applications will undergo further internal review by NTIA, and ultimately, the Assistant Secretary for Communications and Information, NTIA, will make final awards.

To perform the review and prioritization role established by the NOFA, the Texas Department of Agriculture (TDA), in conjunction with the Public Utility Commission of Texas (PUC) and the Texas Public Safety Commission (PSC), will identify applications/projects that will meet the greatest needs of Texas. In addition to guidance from NTIA provided in the NOFA, TDA, PUC and PSC will also consider the following criteria when reviewing and prioritizing broadband infrastructure projects:

- Impact on the state and local economy;
- Number of Texans to gain broadband access;
- Ability to provide sustainable broadband service where currently no broadband service exists;
- Level of service provided, including downstream and upstream speed;
- Sustainability and potential to expand broadband access in future years through non-federal investment;
- Ability to use existing infrastructure to increase broadband access and availability;
- Ability to harmonize the goal of providing necessary broadband services to suppliers of critical infrastructure, such as hospitals, educational institutions, emergency responders, fire departments, health care providers, law enforcement, public libraries, and local governmental institutions, with the goal of providing increased broadband access and availability to all Texans, including rural areas and unserved or underserved urban areas;
- Ability to address specific priorities identified in the American Recovery and Reinvestment Act and the BTOP;
- Ability to exceed federal match requirement; and
- Efforts to create partnerships, including public/private partnerships; and
- Demonstration of local support.